

Resolution No.:	<u>17-743</u>
Introduced:	<u>May 14, 2013</u>
Adopted:	<u>May 14, 2013</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DOT Docket No. AB735
Abandonment - Edgevale Road
Woodside Park Subdivision, Silver Spring

Background

1. By letter dated June 4, 2012 from Ms. Mary Jane Checchi and Mr. Vincent A. Checchi, the Applicants, a request was made for the County to abandon a portion of Edgevale Road in the Woodside Park Subdivision of Silver Spring. By way of a letter dated September 18, 2012, Dr. Marc E. Johnson and Ms. Sarah R. Knight (the "Co-Applicant") joined the request. The portion of Edgevale Road right-of-way for which abandonment is sought adjoins property owned by the Applicants.
2. A Public Hearing to consider the abandonment proposal was held on October 17, 2012 by the designee of the County Executive.
3. Verizon had no objection.
4. Washington Gas had no objection.
5. Washington Suburban Sanitary Commission objected unless an easement of sufficient width is granted.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The Montgomery County Planning Board recommended approval conditioned upon:
"The proposed 45-foot long Edgevale Road abandonment will become effective with the recordation of a plat for properties that incorporate the abandoned 50-foot wide right-of-way. The plat must include an easement granted to Montgomery County that provides perpetual access to pedestrians and non-motorized vehicles over an appropriate portion of the abandoned area as determined at preliminary plan review."

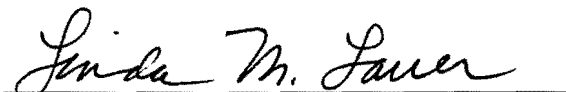
9. The Department of Transportation (DOT) recommended approval conditioned upon: a) the Applicant must grant easements to the County for the maintenance of storm drainage facilities and any public utility affected and/or relocate these facilities and grant easements, as applicable; b) the Applicant must file a new record plat incorporating the former portion of the right-of-way into appropriate lots as directed by the Montgomery County Planning Board in conjunction with Preliminary Plan No. 120070230; and c) the Planning Board's approval of Preliminary Plan No. 120070230.
10. The Department of Fire and Rescue Services conditioned its approval upon the maintenance of vehicular access to 1102 Edgevale Road.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that a portion of Edgevale Road as described on the attached Schedules A and B prepared by MHG in the Woodside Park Subdivision of Silver Spring proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The Applicants must record a new record plat incorporating the former right-of-way into the appropriate properties and include an easement granted to Montgomery County that provides perpetual access to pedestrians and non-motorized vehicles over an appropriate portion of the abandoned area as determined by the Montgomery County Planning Board.
2. The Applicants must grant easements to the County for the maintenance of any storm drainage facilities and any public utility affected and/or relocate these facilities and grant easements, as applicable.
3. The abandonment is conditioned upon the Planning Board's approval of Preliminary Plan No. 120070230.
4. The abandonment is conditioned upon maintaining the vehicular access to 1102 Edgevale Road from Edgevale Road.
5. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
6. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.


Linda M. Lauer, Clerk of the Council



215 NE
214 NE
213 NE Joins Map 5287
212 NE
211 NE

AB 735 Edgewood Joins Map 5408

AD C Map 5286

ALEXANDRIA DRAFTING CO.

AB 735 Edgevale Road

Tax map JP 31

J 3

JP 34:

